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10/044,679	01/11/2002	Mark S. Craig		9713

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EXAMINER
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DASS, HARISH T

ART UNIT	PAPER NUMBER
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3693

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07/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/044,679

Applicant(s)

CRAIG ET AL.

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al. (hereinafter Buchanan - US 2005/0021466).

Re. Claim 1, Buchanan discloses substantially the disclosed invention (see background of invention and summary); electronically copying, into an entry of an image exchange network (network) [Figures 1-2; paragraphs (para.) 14; 62; claims 10-12],

a digital image (digitized check image) and a digital data record from a financial instrument processing system for a first financial institution after it is determined that the digital data record identifies a second financial institution [para. 37-38; 62 (see maker bank number which is obvious determines the banks identification, however, most check has the name of the banks printed on them)]; and

communicating through the image exchange network (see network), copying the digital image and the digital data record into the entry, the copied digital image and digital data record for use on behalf of the identified second financial institution [para. 12-18 (see maker bank and interactive exchange of data during the process of validating the deposit mean in real time); 50; claims 1 & 15]. Buchanan does not explicitly disclose "real time". However, interactive process is known to be real time

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process. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and implicitly recite a process as a real time process.

Re. Claim 2, Buchanan discloses substantially the disclosed invention (see background of invention and summary), within a variable group of financial institutions (maker bank), capturing at respective sites digital images and digital data records for financial instruments processed at the respective sites (para. 37-38; 62); and exchanging, through a computer system communicating with the respective sites and in real time (interactive) with capturing the digital images and digital data records, the digital images and digital data records with respective ones of the financial institutions identified in the digital data records [para.89; 98; 12-18; claims]. Buchanan does not explicitly disclose "real time". However, interactive process is known to be real time process. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and implicitly recite a process as a real time process.

Re. Claim 3, Buchanan discloses substantially the disclosed invention (see background of invention and summary), capturing at a first time financial instrument image signals and raw data signals (digitized) as the financial instrument image signals (image format) and raw data signals (digitized) are created at a financial instrument processing site for a first financial institution [para.41-43; 50]; and transmitting, at a second time (re-

transmitting) subsequent to but concurrent with the first time, the captured financial instrument image signals and raw data signals through an image exchange computer network connected to the financial instrument processing site for the first financial institution and a financial instrument processing site for a second financial institution such that real time image exchange at capture is provided between the first and second financial institutions [para.89; 98; 12-14; 17-18; 29; 66-67]. Buchanan does not explicitly disclose "real time". However, interactive process is known to be real time process. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and implicitly recite a process as a real time process.

Re. Claim 4, Buchanan discloses wherein capturing includes storing the financial instrument image signals and raw data signals in a computer of the image exchange computer network, the computer connected to receive from the financial instrument processing site for the first financial institution, as the financial instrument image signals and raw data signals, signals responsive to outputs of a MICR reader and an optical scanner of the financial instrument processing site for the first financial institution [see above and para. 49].

Re. Claims 5-6, Buchanan discloses wherein transmitting includes sending the stored financial instrument image signals and raw data signals to a central computer of the image exchange computer network, detecting the identity of the second financial

institution (other financial institutions or maker financial institution and maker bank number) in the raw data signals sent to the central computer, and sending the signals to a further computer of the image exchange computer network in communication with the identified second financial institution [para.2-10; 37 and see above reference], and wherein transmitting includes sending the financial instrument image signals and raw data signals to a central computer of the image exchange computer network, detecting the identity of the second financial institution in the raw data signals sent to the central computer, and sending the signals to a computer of the image exchange computer network in communication with the identified second financial institution [para.2-10; 37 and see above reference].

Re. Claim 7, Buchanan discloses substantially the disclosed invention (see background of invention and summary), receiving at a computer, concurrently with a digitized financial instrument image being created from a financial instrument processed at a processing site for a first financial institution, digital signals representing the digitized financial instrument image and data contained on the financial instrument [para. 37; para. 62-63];

determining in the computer, concurrently with said receiving and in response to received digital signals representing data contained on the financial instrument, an identification of a second financial institution [para.: 94; 97, 37 (see maker bank number which determines the banks identification); claim 9]; and

communicating, concurrently with said determining, digital signals representing at least the digitized financial instrument image from the computer for use by the second

financial institution [para. 37; 59-63].

Re. Claim 18, Buchanan discloses substantially the disclosed invention (see background of invention and summary), providing to an item processing system for a receiving financial institution, in response to and concurrently with processing a financial instrument in an item processing system for a sending financial institution, a digital image of and a digital data record for the financial instrument, including providing the digital image and the digital data record in compatible form for the item processing system for the receiving financial institution such that the item processing system for the receiving financial institution processes the provided digital image and digital data record as if originally captured in the item processing system for the receiving financial institution [para. 6; 37-38, 41; 62-63;70].

Re. Claim 19, Buchanan discloses wherein the financial instrument is a bank check processed through a check sorter of the item processing system for the sending financial institution [para. 2-10; 37, 49].

Re. Claims 20, Buchanan discloses wherein providing the digital image and digital data record to the item processing system for the receiving financial institution further includes communicating copies of signals from the check sorter through an image exchange computer network connected to the item processing system for the sending financial institution and the item processing system for the receiving financial institution [Figures 1-6; para. 12-18; 50; claims 1 & 15].

Re. Claim 21, Buchanan discloses substantially the disclosed invention (see background of invention and summary), wherein providing the digital image and digital data record to the item processing system for the receiving financial institution further includes communicating signals defining the digital image and digital data record through an image exchange computer network connected to the item processing system for the sending financial institution and the item processing system for the

receiving financial institution [Figures 1-6; para. 12-18; 37-38; 62; 89; 98].

Re. Claim 22, Buchanan discloses substantially the disclosed invention (see background of invention and summary), means for capturing a digital image and a digital data record from a financial instrument processing system for a first financial institution at the time it is determined that the digital data record identifies a second financial institution; and means for communicating, in real time with capturing the digital image and the digital data record, the captured digital image and digital data record for use on behalf of the identified second financial institution [Figures 1-6; para. 37-38; 62; 89; 98; and claims 1 & 15].

Claims 11-17 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan in view of Green et al. (hereinafter Green – US 5,602,936).

Re. Claim 11, Buchanan discloses creating electronic images of tangible financial instruments received at a first financial institution [para. 41-43; 50]; concurrently with creating the electronic images, storing the created electronic images in a first client image computer (financial institution computer) [para. 12; 52-59], the first client image computer operatively associated with the first financial institution; concurrently with storing the created electronic images, sending signals encoded to represent at least one of the stored electronic images and to identify a second financial institution to a central image computer [para.37; 68-73; 89;66-67]; and sending the encoded signals from the central image computer to a second client image computer, the second image remote computer operatively associated with the second financial institution [para. 12; 52-56; claim 15]. Buchanan does not explicitly disclose exchange server. However, Green discloses exchange server [Figures 3-4, 6; col. 2 lines 44-62] to index and recover the

data/image and for services requests by clients for the retrieval of specific images. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image of the check for preparing statements and allow the customer to retrieve a specific image.

Re. Claim 12, Buchanan discloses wherein the tangible financial instruments include bank checks and wherein creating electronic images includes optically scanning the bank checks [para. 49].

Re. Claim 13, Buchanan discloses processing financial instruments received by a depositing financial institution, including: creating respective digital images and related raw data records from information encoded on the respective financial instruments, determining which raw data records identify paying financial institutions such that the respective financial instruments for which paying financial institutions are identified are real-time exchange eligible instruments, and correcting respective raw data records [para. 4-10; 89; 98; 12-14; 17-18; 29; 66-67];

electronically real-time copying to a computer the respective digital images and related raw data records for the real-time exchange eligible instruments; for each electronically copied digital image and related raw data record, determining in the computer the identity of the respective paying financial institution and electronically copying the respective digital image and raw data record to a remote computer for that paying

financial institution [Figures 1-2; para. 14; 62; claims]; transmitting corrected raw data records to the computer, and from the computer to the remote computer for the respective paying financial institution identified in a respective corrected data record [para.89; 98; 12-14; 17-18; 29; 66-67]; and copying each digital image and the related corrected data record from the remote for the respective paying financial institution to an item processing system for that paying financial institution such that the item processing system responds thereto as if the original processing of the respective financial instruments for that paying financial institution had occurred in the item processing system for that paying financial institution [para. 14-19; 62; claims].

Buchanan does not explicitly disclose exchange server. However, Green discloses exchange server [Figures 3-4, 6; col. 2 lines 44-62] to index and recover the data/image and for services requests by clients for the retrieval of specific images. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image of the check for preparing statements and allow the customer to retrieve a specific image.

Re. Claim 14, Buchanan discloses wherein creating respective digital images and related raw data records includes processing checks through a check sorter of an item processing system for the depositing financial institution, including processing checks through a MICR line reader of the check sorter and through an optical scanner of the check sorter [para. 37; 49].

Re. Claim 15, Buchanan discloses wherein electronically real-time copying to a central computer includes communicating to the central computer digital signals responsive to output from the MICR line reader and the optical scanner. Buchanan does not explicitly disclose exchange server. However, Green discloses exchange server [col. 2 lines 44-62]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image from database.

Re. Claim 16, Buchanan receiving the bank check at a bank of first deposit different from the payor bank [see entire document; para. 37]; creating electronic data for the bank check in response to at least part of the MICR information on the bank check and concurrently creating an electronic image of the image of the bank check [para.37-43; 50]; and in real time with creating the electronic data and image [37-38; 62]: transmitting the electronic data and electronic image to a first client image remote computer operatively associated with the bank of first deposit; transmitting the captured electronic data and electronic image from the first client image remote computer to a central image computer; and transmitting the electronic data and electronic image from the central image computer to a second client image remote computer, the second client image computer operatively associated with the payor bank [para.89; 98; 12-14; 17-18; 29; 66-67]. Buchanan does not explicitly disclose exchange server. However, Green discloses

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exchange server [Figures 3-4, 6; col. 2 lines 44-62] to index and recover the data/image and for services requests by clients for the retrieval of specific images. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image of the check for preparing statements and allow the customer to retrieve a specific image.

Re. Claim 17, Green discloses exchange server and transmitting at least the electronic data in the second client image exchange server or processor to an item processing system of the payor bank when the electronic data contains correct data (a second digital data processor communicating with first processor or server) [col. 7 lines 42-57, col. 10 lines 60-65, col. 12 lines 25-35 and see at least claim 1 and associated descriptions].

Re. Claim 23, Buchanan discloses a plurality of financial institution item processing systems, each having a sorter that receives tangible financial instruments and provides received tangible financial instruments to MICR detecting equipment and optical imaging equipment of the sorter; a plurality of client image computer, each connected by a respective communication link to obtain data and image signals responsive to the MICR detecting equipment and optical imaging equipment of at least one of the financial institution item processing systems; and a central image computer connected to the client image computers such that the central image computer mediates real-time

transfers of at least image signals between respective ones of the client image computers [para. 2-12; 30-34; 37]. Buchanan does not explicitly disclose exchange server. However, Green discloses exchange server [Figures 3-4, 6; col. 2 lines 44-62] to index and recover the data/image and for services requests by clients for the retrieval of specific images. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image of the check for preparing statements and allow the customer to retrieve a specific image.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan, as applied to claim 7 above, in view of Green et al. (hereinafter Green – US 5,602,936).

Re. Claims 8-10, Buchanan discloses wherein receiving digital signals includes receiving the digital signals in an item computer connected to an item processing system at the processing site for the first financial institution, wherein communicating includes transmitting the received digital signals to an item processing system at a financial instrument processing site for the second financial institution, and wherein communicating includes transmitting the received digital signals to an item processing system at a financial instrument processing site for the second financial institution [para. 12, 28-34; 51]. Buchanan does not explicitly disclose exchange server. However, Green discloses exchange server [Figures 3-4, 6; col. 2 lines 44-62] to index and recover the data/image and for services requests by clients for the retrieval of specific images. It

would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Buchanan and include exchange server, as disclosed by Green to allow the system for fast retrieving the data/image of the check for preparing statements and allow the customer to retrieve a specific image.

### ***Response to Arguments***

Applicant's arguments filed 4/30/2007 have been fully considered but they are not persuasive. Because:

In response to applicant's argument recitation (page 11 - remarks) "Examiner expressly noted that Buchanan does not disclose a "real-time" function, but that "interactive processes are known to be real-time processes." The Examiner's assertion that interactive processes are known to be real-time processes is an unsubstantiated, conclusory statement. The Examiner has failed to provide any facts or evidence to support this conclusory statement." Attached are pages of "Microsoft Computer Dictionary", Fourth Edition, 1999, page 240 defines "interactive - ... when a user enters a question or command and the system immediately responds. The interactivity of microcomputers ... easy to use" as it is understood by the examiner interactive system is real time process system where computer responses immediately to an input and provides an output. In prior art "Buchanan" (see figure 6) remote site sends information/data to central #604, the central site immediately verifies data # 611 and stores item # 612 and send a confirmation signal # 605 to remote site. When two individuals or computer interactively communicate with each other using electronic network, the response is immediate in real time<sup>i</sup>.

Further, in claim 3 “transmitting, at a second time subsequent to but concurrent with the first time” states that they are not at the same time because transmitting, at a second time subsequent to first time means they are transmitted one after another sequentially.

Applicant argues about limitation “real time function” which is not claimed.

Note on interpretation of claim terms - Unless a term is given a “clear definition” in the specification (MPEP § 2111.01), the examiner is obligated to give claims their broadest reasonable interpretation, in light of the specification, and consistent with the interpretation that those skilled in the art would reach (MPEP § 2111). An inventor may define specific terms used to describe invention, but must do so “with reasonable clarity, deliberateness, and precision” (MPEP § 2111.01.III). A “clear definition” must establish the metes and bounds of the terms. A clear definition must unambiguously establish what is and what is not included. A clear definition is indicated by a section labeled definitions, or by the use of phrases such as “by real time we mean”; “concurrent as defined in common dictionary, etc. but does not include interactive”. Applicant does not define any constraints for his real time system, for example how long the system should take to process input signal and produce an output.

The instant application contains no such clear definition for the phrase “real time”. In the instant case, the examiner is required to give the term “real time” its broadest reasonable interpretation, which the examiner judges to be communication between computers with immediate response.

In response to recitation (page 13 - remarks) "The Examiner indicated that Buchanan does not disclose an exchange server. Green does not teach a second client image exchange server or a client exchange server for a second financial institution." 1) server is a computer software/application that accepts connections in order to service requests by sending back responses and can be loaded to any computer. 2) Green is a secondary reference. Primary reference discloses second client image computer see Buchanan figure 1 item # 102 (check capture system) & #105 (check storage) at the central site (first institution or site) and item #109 (check capture system) & 112 (check storage) at maker bank site (second institution or site).

### ***Conclusion***

Claims 1-7, 18-22 remain rejected.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass *Harish T Dass*  
Examiner  
Art Unit 3693

7/16/07

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<sup>i</sup> [Buchanan - paragraph 31] "the invention may be practiced in network computing environments with many types of computer system configurations, including personal computers, hand-held devices, multi-processor systems, microprocessor-based or programmable consumer electronics, network PCs, minicomputers, mainframe computers, and the like. [paragraph 1] FIG. 4 depicts the central site processor and the various processes and interfaces associated therewith, in accordance with a preferred embodiment of the present invention. It is known multiprocessor/multi-thread systems the tasks are done concurrently, for example, user of PC can send an email at the same time printing/downloading a document.